

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-13 are presently pending. Claims 1-10 are amended; and Claims 11-13 are newly added by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 1-4 were rejected under 35 USC 102(b) as being anticipated by JP-09-247670 to Koto et al. (hereinafter “Koto”); Claims 5, 8, and 10 were rejected under 35 USC 102(b) as being anticipated by JP-149464 to Shigeru et al. (hereinafter “Shigeru”); and Claims 6, 7, and 9 were rejected under 35 USC 103(a) as being unpatentable over JP-8-149464 (hereinafter “Shigeru”) in view of JP-9-9258 to Masuo et al. (hereinafter “Masuo”).

Applicants respectfully traverse the rejection of Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Koto.

Amended Claim 1 is directed to an encoding apparatus for executing an encoding process with an encoding system capable of treating at least B-pictures as pictures for inter-picture-prediction-encoding. The encoding apparatus comprises, in part:

longest delay calculation means for calculating a longest picture encoding delay for encoding the pictures in the encoding apparatus based on encode conditions.

Support for the amendments to Claim 1 can be found in the originally filed specification.¹

Applicants respectfully submit that Koto fails to disclose the recited features of Claim 1.

Koto is directed to an information multiplexing device which carries out packet multiplexing of coding video bit string, coding voice bit string, and other encoded bit

¹ SP1 of Fig. 4, and specification at page 18, line 22, to page 19, line 3.

sequences for transmission.

Since features similar to those of Claim 2 have been incorporated into Claim 1, the rejection of Claim 2 will be address herein. In the rejection of Claim 2, the Office Action cites calculation of a time stamp and the presentation time stamp (PTS) in regards to “calculating the output timing for the results of decoding the encoded information so as to immediately output a result of decoding the encoded information having a longest period of time out of periods of time after the encoding process is started until encoded information is outputted.” However, Applicants respectfully submit that Koto fails to disclose that the calculation of the time stamp or the PTS are a result of decoding encoded information having a longest period of time out of periods of time after the encoding process is started until encoded information is outputted.

Applicants further submit that Koto fails to disclose a longest delay calculation means for calculating a longest picture encoding delay for encoding the pictures in the encoding apparatus based on encode conditions, as recited in amended Claim 1.

Thus, for the reasons given above, Applicants respectfully submit that Claim 1 patentably defines over Koto. Accordingly, the rejection of Claim 1 should be withdrawn.

Independent Claim 3 recites limitations analogous to the limitations of Claim 1, and has been amended in a manner analogous to the amendments to Claim 1. Thus, Applicants respectfully submit that the rejection of Claim 3 (and all associated dependent claims) should be withdrawn.

Applicants respectfully traverse the rejection of Claim 5 under 35 U.S.C. § 102(b) as being anticipated by Shigeru.

Claim 5 is directed to a decoding apparatus for executing a decoding process on a plurality of encoded information encoded with an encoding system capable of at least B-pictures as pictures for inter-prediction-encoding. The decoding apparatus wherein:

said output control means, when restored image information fails to be stored in said storage means, re-outputs restored image information outputted just before the failure and said output control means ignores a decoding start time set for a first encoded information of a plurality of encoded information stored in said storage means, starting decoding prior to the decoding start time of the first encoded information.

Support for the amendments to Claim 1 can be found into the originally filed specification.²

Since Claim 5 has been amended to incorporate features of Claim 6, the rejection of Claim 6 will be addressed herein. The Office Action admits that Shigeru is silent in regards to “wherein: said storage means temporarily stores each piece of the encoded information and said output control means ignores a decoding start time set for first encoded information stored in said storage means, and immediately starts decoding of the first encoded information,” and relies on Masuo to remedy those deficiencies.

Masuo is directed to a decoding device that, during a freeze condition, repeatedly displays a decoded picture image that has already been displayed.³ The freeze condition of Masuo can occur when the rate of decoding encoded data fails to keep up with the rate of displaying data. However, Masuo does not teach the freeze condition occurring when decoding a first encoded information of a plurality of encoded information, nor does Masuo teach any other reason to ignore a decoding start time set for the first encoded information of a plurality of encoded information.

Thus, Applicants respectfully submit that Masuo fails to teach or suggest output control means that ignores a decoding start time set for a first encoded information of a plurality of encoded information stored in said storage means, starting the coding prior to the decoding start time of the first encoded information, as recited in Claim 5.

Thus, no matter how the teaching of Shigeru and Masuo are combined, the

² Fig. 6 and specification at page 25, lines 19-24..

³ Masuo at paragraph 0014.

combination does not teach or suggest the decoding apparatus recited in Claim 5.

Accordingly, for the reasons stated above, Applicants respectfully submit that Claim 5 patentably defines over any proper combination of the cited references. Thus, Applicants respectfully request that the rejection of Claim 5 should be withdrawn.

Independent Claim 8 recites limitation analogous to the limitations of Claim 5, and has been amended in a manner analogous to the amendments to Claim 5. Thus, Applicants respectfully submit that the rejection of Claim 8 (and all associated dependent claims) should be withdrawn.

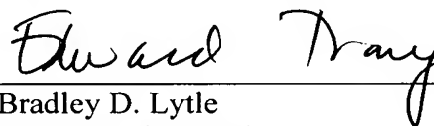
For the reasons stated above with respect to Claims 1 and 5, Applicants respectfully submit that new Claims 11-13 patentably define over any proper combination of the cited references.

Thus, it is respectfully submitted that independent Claims 1, 3, 5, 8, 11, and 13 (and all associated dependent claims) patentably define over any proper combination of the cited references.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application is believed to be in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Edward W. Tracy
Registration No. 47,998